

KOSHIBA AGENA & KUBOTA

JAMES E. T. KOSHIBA 768-0
CHARLES A. PRICE 5098-0
2600 Pauahi Tower
1003 Bishop Street
Honolulu, Hawaii 96813
Telephone No.: 523-3900
Facsimile No.: 526-9829
Email: jkoshiba@koshibalaw.com
cprice@koshibalaw.com

Attorneys for Defendant
UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JEANNE ENDO,)	CIVIL NO. CV03-00563 LEK
)	
Plaintiff,)	DEFENDANT UNITED PUBLIC
)	WORKERS' MEMORANDUM IN
vs.)	OPPOSITION TO THIRD-PARTY
)	DEFENDANT GARY W.
UNITED PUBLIC WORKERS,)	RODRIGUES' THIRD MOTION IN
AFSCME LOCAL 646, AFL-CIO,)	LIMINE TO BAR ALL
)	TESTIMONY OR EVIDENCE
Defendant,)	REGARDING UPW'S
)	SUSPENSION AND/OR REMOVAL
vs.)	OF GARY RODRIGUES FROM HIS
)	POSITION AT UPW;
GARY W. RODRIGUES,)	CERTIFICATE OF SERVICE
)	
Third-Party Defendant.)	
)	
)	

TRIAL DATE: May 13, 2008

DEFENDANT UNITED PUBLIC WORKERS' MEMORANDUM IN
OPPOSITION TO THIRD-PARTY DEFENDANT GARY W. RODRIGUES'
THIRD MOTION IN LIMINE TO BAR ALL TESTIMONY OR EVIDENCE
REGARDING UPW'S SUSPENSION AND/OR REMOVAL OF GARY
RODRIGUES FROM HIS POSITION AT UPW

Defendant United Public Workers, AFSCME Local 646, AFL-CIO ("UPW") requests that the Court deny THIRD-PARTY DEFENDANT GARY W. RODRIGUES' THIRD MOTION IN LIMINE TO BAR ALL TESTIMONY OR EVIDENCE REGARDING UPW'S SUSPENSION AND/OR REMOVAL OF GARY RODRIGUES FROM HIS POSITION AT UPW, filed April 22, 2008, for the reasons set forth below:

1. Per FRE Rule 609(a)(2), evidence of the criminal conviction which was the basis for the suspension is admissible to impeach Mr. Rodrigues' testimony that UPW agreed to defend and indemnify him in this lawsuit.

2. The simple fact of suspension and removal is relevant to explain Mr. Rodrigues' separation from UPW. All the union politics, underlying circumstances, and reasoning surrounding the removal are irrelevant, and UPW does not oppose limiting the evidence to simply when and why Mr. Rodrigues left UPW.

DATED: Honolulu, Hawaii, April 29, 2008.

/s/ Charles A. Price

JAMES E. T. KOSHIBA

CHARLES A. PRICE

Attorneys for Defendant

UNITED PUBLIC WORKERS,

AFSCME, LOCAL 646, AFL-CIO